

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DANIELLE PACE

CIVIL ACTION NO. 06-1041

VERSUS

JUDGE S. MAURICE HICKS, JR.

STEVE PRATOR, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is a Motion to Interrupt Three Year Prescriptive Period, to Resurrect Original Petition, and to Appoint Counsel (Record Document 27) filed by pro se plaintiff Danielle Pace ("Pace"). Pace maintains that she "was informed by the court that she would have three year[s] to revive [her] suit since it had been dismissed without prejudice." See id. at 1. "Since the three year prescriptive period is quickly approaching," Pace asks that her case be "resurrect[ed]" and that counsel be appointed to assist her in this matter.

Pace seems to be referring to Louisiana Code of Civil Procedure Article 561,¹ which deals with abandonment. However, Louisiana's Code of Civil Procedure is not applicable to the instant matter. Moreover, Pace has failed to show any basis, namely under Federal Rule of Civil Procedure 60(b), to vacate the dismissal entered in 2008. See Record Document 22-25.

Accordingly,

IT IS ORDERED that the Motion to Interrupt Three Year Prescriptive Period, to

¹La. C.C.P Art. 561 provides, in pertinent part:

- A. (1) An action . . . is abandoned when the parties fail to take any step in its prosecution or defense in the trial court for a period of three years.

Resurrect Original Petition, and to Appoint Counsel (Record Document 27) be and is hereby **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, on this 18th day of April, 2011.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE